

# FOLEY & MANSFIELD

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August 1, 2016

AUG 01 2016

**James J. Nicita**

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Regional Freedom of Information Officer  
U.S. EPA, Region 10  
Office of Ecosystems, Tribal and  
Public Affairs  
1200 6th Avenue ETPA-124  
Seattle, WA 98101  
(206) 553-8665

Re: Freedom of Information Act Request: Fill on 7200 NW Front Ave., Portland, OR 97210,  
and Adjacent Railroad Right-of-Way

Dear Freedom of Information Officer:

This Freedom of Information Act (FOIA) request pertains to U.S. Environmental Protection Agency, Region 10 records regarding fill material on property today known as 7200 NW Front Ave., Portland, Oregon 97210. I am also interested in records regarding fill material for a railroad embankment constructed in 1968-1969 on the adjacent right-of-way of the Burlington Northern Santa Fe (BNSF) Railroad, off its Willamette River Railroad Bridge. The BNSF predecessors involved in the construction or use of the embankment at the time were 1) Northern Pacific (NP) Railway, 2) NP's subsidiary Spokane, Portland & Seattle (SP&S) Railway, and 3) SP&S's subsidiary, Oregon Electric Railway.

I am attaching to this request a 1972 aerial photograph, from the City of Portland Archive, of the site in question. The undeveloped site immediately to the right of the railroad is 7200 NW Front Avenue; today the site is the location of Siltronic Corp.'s Portland manufacturing facility. The sharply curved railroad spur to the right of the inland water body is the embankment constructed in 1968-1969. The inland water body is Doane Lake.

The time period involved is January 1, 1960 to December 31, 1978.

In the following discussion, the term "owners of the property" will refer to any of the entities or individuals who, at some point during the time period referenced above, had an ownership interest in some or all of the land that now constitutes and is known today as 7200

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NW Front Avenue and/or the adjacent railroad right-of-way, including, but not limited to: Northern Pacific Railway; Spokane, Portland & Seattle Railway; Oregon Electric Railway; Schnitzer Bros.; Schnitzer Steel Products, Co.; Schnitzer Investment Co.; Manuel Schnitzer; Morris Schnitzer; Leonard Schnitzer; Gilbert Schnitzer; Calbag Metals Co.; A. Victor Rosenfeld; H.A. Andersen (aka Howard Andrew Andersen or Howard A. Andersen); Andersen-Westfall Construction Co.; Howard Andersen Construction Co.; H.A. Andersen Construction Co.; H.A. Andersen & Associates; Northwest Natural Gas Co. (aka Gasco); Western Transportation Co.; and/or the City of Portland.

The following describes the documents I am requesting:

- 1) Documents to and from ACE and the owners of the property regarding the interest of the latter in purchasing or otherwise procuring fill material from ACE and/or the Port of Portland (POP) for placement on the land today known as 7200 NW Front Ave.
- 2) Documents to and from ACE and the owners of the property regarding the interest of the latter in purchasing or otherwise procuring fill material from ACE and/or the Port of Portland (POP) for placement on the adjacent railroad right-of-way, including for the purpose of constructing the railroad embankment completed in 1968-1969.
- 3) Any contracts or similar or associated documents relating to ACE's or the POP's sale or provision of fill to the owners of the property.
- 4) Any contracts or similar or associated documents relating to the provision of fill for, or the construction of, the railroad embankment constructed in 1968-1969.
- 5) Any plans or specifications relating to the construction of the railroad embankment in 1968-1969.
- 6) Documents related to the effect of the fill on the property now known as 7200 NW Front Ave., on the hydrology of Doane Lake, Morgan Creek, and/or any other natural or artificial waterway or drainage way.
- 7) Documents related to the effect of the construction of the railroad embankment in 1968-1969 on the hydrology of Doane Lake, Morgan Creek, and/or any other natural or artificial waterway or drainage way. This includes any reference to the culvert installed in the embankment to transport Doane Lake waters through the embankment.
- 8) Documents relating to any permit or other authorization needed by the owners of the property from ACE for either a) placing fill on the land now known as 7200 NW Front Ave., b) placing fill into Doane Lake, c) constructing the railroad embankment

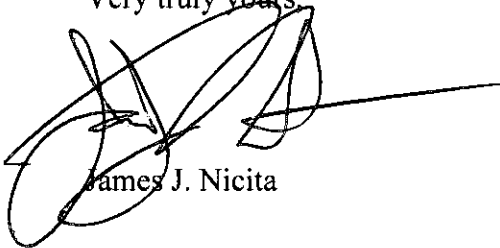
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in 1968-1969, or d) discharging into the Willamette River from any new culverts, ditches, or channels as a result of altered hydrology or drainage as a result of items a-c; including, but not limited to, any permit or other authorization required under the 1899 Rivers and Harbors Act (aka Refuse Act), 33 U.S.C. § 403, or Oregon state law.

- 9) Documents relating to any correspondence or cooperation with the POP regarding items 1-8 above.

Thank you for your attention to this request.

Very truly yours,

A handwritten signature in black ink, appearing to be "James J. Nicita", written over a horizontal line. The signature is stylized with loops and a long horizontal stroke extending to the right.

Enclosure